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WITH THE
N.J. BOARD OF DENTISTRY
ON 12-5-96 cm

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND
PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY
DOCKET NO.

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :

Administrative Action

ROY McTERNAN, D.D.S.
License No. DI 15363

CONSENT ORDER

TO PRACTICE DENTISTRY IN THE
STATE OF NEW JERSEY

This matter was opened to the Board of Dentistry upon receipt of information from the Enforcement Bureau, Division of Consumer Affairs, which disclosed that respondent had issued prescriptions, including Vicodin, over the name of his ex-partner, Peter Perera, D.M.D., for controlled dangerous substances (hereinafter "CDS"), under his wife's name; had personally purchased the CDS under his own name; and admitted personally using certain controlled dangerous substances for purposes unrelated to the practice of dentistry. Respondent was previously subject to monitoring under the terms of an Order of the Board dated February 18, 1996, as

modified by Orders dated June 2, 1994, May 31, 1995, and May 2, 1996. This matter constitutes a second violation for respondent.

In order to resolve this matter without recourse to formal proceedings and for good cause shown;

IT IS on this 4 day of Dec , 1996,

ORDERED, that:

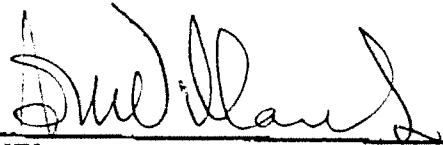
1. The State Board of Dentistry accepts the voluntary surrender of respondent's license to practice dentistry in the State of New Jersey. Respondent shall submit any and all wall certificates including, but not limited to, his dentistry license and C.D.S. and D.E.A. registrations to the Board of Dentistry at 124 Halsey Street, 6th Floor, Newark, New Jersey 07102. Said voluntary surrender shall have the same force and effect as if his license had been revoked, and respondent shall immediately cease and desist any practice of dentistry. In addition, respondent shall observe the provisions of the directives for dentists whose licenses have been suspended or revoked, a copy of which is attached hereto and made a part hereof.

2. In the event respondent wishes to petition the Board for reinstatement of his license to practice dentistry in the State of New Jersey, he shall be granted leave to appear personally before the Board, and he shall have the burden to demonstrate to the satisfaction of the Board that he is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare.

3. Respondent shall submit to a psychological and/or medical evaluation by a Board appointed consultant prior to requesting

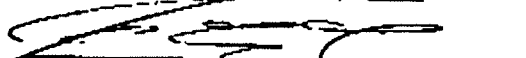
reinstatement of licensure. Respondent shall be responsible for the fee for the consultant for the evaluation and reports.

4. Respondent shall sign the necessary releases of information and/or cause and permit the staff or other designee or the New Jersey Dental Association Chemical Dependency Program (hereinafter "C.D.P."), or any other person or entity treating the respondent for drug addiction to disclose to the Board any evaluation it has made of the respondent as well as any recommendations and any other pertinent information. This shall include advising the Board of any and all programs in which respondent engages, including urine monitoring, and keeping the Board advised as to respondent's progress and successful completion on an on-going basis.



ANTHONY M. VILLANE, JR., D.D.S.
President
State Board of Dentistry

I have read and understand
the within Order and agree
to be bound by its terms.
Consent is hereby given to
entry of this Order.


ROY McTERNAN, D.D.S.

I hereby consent as to the
form and entry of this Order.


ERNEST M. CAROSELA, ESQ.
Attorney for Respondent

DIRECTIVE REGARDING FUTURE ACTIVITIES
OF BOARD LICENSEE WHO HAS BEEN SUSPENDED/
REVOKED AND USE OF THE PROFESSIONAL PREMISES

A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board shall conduct him/herself as follows.

- 1) Promptly deliver to the Board the original license and current biennial registration and, if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances registrations.
- 2) Desist and refrain from the practice of dentistry in any form either as principal or employee of another licensee.
- 3) Inform each patient at the time of any inquiry of the suspended or revoked or retired status of the licensee. When a new licensee is selected by a patient, the disciplined practitioner shall promptly make available the original or a complete copy of the existing patient record to the new licensee, or to the patient if no new licensee is selected. Such delivery of record does not waive any right of the disciplined practitioner to claim compensation earned for prior services lawfully rendered.
- 4) Not occupy, share or use office space in which another licensee practices dentistry.
- 5) Desist and refrain from furnishing professional dental services, giving an opinion as to the practice of dentistry or its application, or any advice with relation thereto; and from holding him/herself out to the public as being entitled to practice dentistry or in any way assuming to be a practicing professional or assuming, using or advertising in relation thereto in any other language or in such a manner as to convey to the public the impression that such person is a legal practitioner or authorized to practice dentistry. This prohibition includes refraining during the period of suspension or revocation from placement of any advertisement or professional listing in any advertising medium suggesting eligibility for practice or good standing.
- 6) Cease to use any stationery whereon such person's name appears as a dentist in practice. If the practitioner was formerly authorized to issue written prescriptions for medication or treatment, such prescription pads shall be destroyed if the license was revoked. If the license was suspended, the prescriptions shall be destroyed or shall be stored in a secure location to prevent theft or any use whatsoever until issuance of a Board Order authorizing use by the practitioner. Similarly, medications possessed for office use shall be lawfully disposed

of, transferred or safeguarded.

7) Not share in any fee for dental services performed by any other licensee following the suspension, revocation or surrender of license, but the practitioner may be compensated for the reasonable value of the services lawfully rendered and disbursements incurred on the patient's behalf prior to the effective date of the suspension, revocation or surrender.

8) Use of the professional premises. The disciplined licensee may allow another licensee to use the office premises formerly occupied by the disciplined licensee on the following conditions only:

(a) The new licensee shall conduct the practice in every respect as his/her own practice including billings, claim forms, insurance provider numbers, telephone numbers, etc.

(b) The disciplined licensee may accept no portion of the fees for professional services rendered by the new licensee, whether by percentage of revenue, per capita patient, or by any other device or design, however denominated. The disciplined licensee may, however, contract for or accept payment from the new licensee for rent (not exceeding fair market value) of the premises and either dispose of or store the dental material and equipment, but in no event shall the disciplined licensee, on the basis of a lease or any other agreement for compensation place in the possession of any operator, assistant or other agent such dental material and equipment, except by a chattel mortgage.

(c) No use of name of disciplined licensee or personally owned office name or tax- or provider identification number.

1. Where the disciplined licensee was using an individual IRS number or where the licensee was the sole member of an incorporated professional association or a corporation, the disciplined licensee may contract to rent the office premises to a new practitioner. The new practitioner must use his/her own name and own provider number on all bills and insurance claim forms. Neither the name nor the number of the disciplined licensee may be used. When the license of a sole practitioner has been revoked, a trade name must be cancelled and a professional service corporation must be dissolved.

2. Where the disciplined licensee is a

member of a professional group which uses a group-type name such as the ABC Dental Group, the disciplined licensee must arrange to have his/her name deleted, covered up or otherwise obliterated on all office signs, advertisements published by the group after the effective date of the Board disciplinary Order and on all printed billings and stationery. The other group members may continue to function under the incorporated or trade name, minus the name of the disciplined licensee, and may continue to use its corporate or professional identification number.

(9) Report promptly to the Board compliance with each directive requiring moneys to be reimbursed to patients or to other persons or third party payors or to any court, and regarding supervisory reports or other special conditions of the Order.

(10) A practitioner whose license is surrendered, revoked or actively suspended for one year or more shall conduct him/herself as follows:

1) Promptly require the publishers of any professional directory and any other professional list in which such licensee's name is known by the disciplined licensee to appear, to remove any listing indicating that the practitioner is a licensee of the Board in good standing.

2) Promptly require any and all telephone companies to remove the practitioner's listing in any telephone directory indicating that such practitioner is a practicing professional.

(11) A practitioner whose practice privileges are affected by a Board disciplinary Order shall, within 90 days after the effective date of the Board Order, file with the Executive Director of the Board a detailed affidavit specifying by correlatively lettered and numbered paragraphs how such person has fully complied with this directive. The affidavit shall also set forth the residence or other address and telephone number to which communications may be directed to such person. Any change in the residence, address or telephone number shall be promptly reported to the Executive Director.